

App. Serial No. 10/550,340
Docket No.: NL030296

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Remarks

Claims 1-11 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

The non-final Office Action dated April 16, 2007 indicated an objection to the Specification, and listed the following rejections: Claims 1, 2, 4 and 8 stand rejected under 35 U.S.C. § 102(b) over Bergveld et al. (U.S. Patent No. 6,298,222); and Claims 3 and 9-11 stand rejected under 35 U.S.C. § 103(a) over Bergveld in view of Bussen et al. (U.S. Publication No. 2003/0153368). The Office Action also indicated that claims 5-7 would be allowable if rewritten in independent form.

Applicant appreciates the potential allowability of claim 5-7.

Applicant respectfully declines to add section headings to the specification because the indicated suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for applicant's use. They are not mandatory, and when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

"Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77."

In view of the above, Applicant prefers not to add section headings.

Applicant respectfully traverses the section 102(b) rejection of claims 1, 2, 4 and 8 because the cited portions of the Bergveld reference are not arranged as claimed as required by M.P.E.P. § 2131. Regarding claims 1 and 8, the cited portions of Bergveld do not correspond to claim limitations directed to a switching circuit arranged between the power supply outputs (which supply a first voltage and a second voltage) and the amplifier power-supply input. The Office Action cites to controllable switch 19, to the path through the switch 19, to supply output 10 and to RF power control input 6 (*see, e.g.,* Figure 1) as corresponding to the switching circuit, to the power supply output that supplies the first voltage, to the power supply output that supplies the second voltage and

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to the amplifier power input respectively. However, Brevard's switch 19 is not arranged between the supply output 10 and the RF power control input 6 as is required by the claimed limitations. As such, the cited portions of the Bergveld reference are not arranged as in claimed invention as required. *See* M.P.E.P. § 2131. Therefore, the Section 102(b) rejection of claims 1 and 8, as well as the rejection of claims 2 and 4 that depend from claim 1, is improper and Applicant requests that it be withdrawn.

Applicant traverses the Section 103(a) rejection of claims 3 and 9-11, all of which are based upon the Brevard reference, because the cited portions of Brevard do not correspond to all of the claim limitations as discussed above in connection with the Section 102(b) rejection of claims 1 and 8. In at least this regard, the rejection of claims 3 and 9 that depend from claims 1 and 8 respectively is improper because the rejection relies upon the same (improper) interpretation of the Brevard reference. Regarding claims 10 and 11, claim 10 contains limitations directed to a switching circuit arranged between the power supply outputs (which supply a first voltage and a second voltage) and the amplifier power-supply input as in claims 1 and 8. As such, the Section 103(a) rejection of claims 10 and 11 fails for the same reasons discussed above relating to the Section 102(b)-rejection of claims 1 and 8. Accordingly, the Section 103(a) rejection of claims 3 and 9-11 is improper and Applicant requests that it be withdrawn.

Notwithstanding the above traversals, in an effort to facilitate prosecution, Applicant has amended independent claims 1, 8 and 10 to include limitations directed to the power supply to vary a level of the second power supply voltage to be lower than a level of the first power supply voltage when the power change command indicates that the output power has to decrease and to be higher than the level of the first power supply voltage when the power change command indicates that the output power has to increase. The Brevard reference teaches that the power supply 7 comprises a kind of dissipative regulator means 28 indicated as a variable resistor. *See, e.g.,* Figure 1 and Col. 3:38-41. Thus, the Brevard reference teaches that power supply 7 can only decrease the supply voltage of power supply terminal 8. Accordingly, Brevard does not teach increasing the level of the second supply voltage as in the claimed invention. Therefore, all of the rejections in the instant Office Action are improper and must be withdrawn.

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In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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